



# NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor  
210 Main St., 2<sup>nd</sup> Floor  
Northampton, MA 01060  
(413) 587-1212

## COMMISSIONERS

Natasha Yakovlev, Chair  
Helen Kahn  
Jennifer Ewers

Administration, Licensing and Economic Development Coordinator

Annie Lesko

[alesko@northamptonma.gov](mailto:alesko@northamptonma.gov)

## MEETING MINUTES

Wednesday, July 19, 2023

Virtual Meeting

4:30 p.m.

The July 19, 2023, License Commission meeting will be held via remote participation.

### Join Virtual Meeting

- **Video Conference:** <https://us06web.zoom.us/j/88510598047?pwd=MUFMZC9sMXZ3YnIYb2VCK0pBT2s5QT09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 885 1059 8047, Password: 939255

1. **MEETING CALLED TO ORDER** at 4:31 p.m. by Commissioner Yakovlev  
**ROLL CALL** - Commissioners Yakovlev, Kahn, and Ewers were present  
**ANNOUNCEMENT OF ZOOM RECORDING** made by Commissioner Yakovlev
2. **PUBLIC COMMENT** - None
3. **REQUEST BY BLUE PAWS, INC. D/B/A JJ'S TAVERN, 99 MAIN STREET, FLORENCE, TO AMEND A PREVIOUSLY APPROVED MODIFICATION OF ENTERTAINMENT LICENSE FROM JUNE 10, 2023, TO AUGUST 12, 2023**

Jon Neumann was present for this request and stated the June 10, 2023, event was canceled due to bad air quality and the new event is on August 12, 2023.

**Commissioner Kahn moved to approve the request to amend the date change to August 12, 2023, for Blue Paws, Inc. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

#### 4. **APPLICATIONS FOR SHORT-TERM LIQUOR LICENSES**

The Academy of Music, Inc., 274 Main St.

Type: Wine & Malt

Requests Fee Waiver

Date/Time: Thursday, July 27, 2023, 6 p.m. to 11 p.m.

Event: Anthony Jeselnik

Date/Time: Thursday, August 3, and Friday, August 4, 2023, 6 p.m. to 11 p.m.

Event: Ilana Glazer

Date/Time: Tuesday, August 22, 2023, 7 p.m. to 11 p.m.

Event: Mary Chapin Carpenter

Date/Time: Tuesday, September 26, 2023, 6 p.m. to 11 p.m.  
Event: The Wallflowers

Melissa Cleary Pearson was present for these applications and stated that things are happening in the same manner as they have been with no changes.

**Commissioner Kahn moved to approve the applications for short-term liquor licenses for the Academy of Music, Inc. for July 27, 2023; August 3 and 4, 2023; August 22, 2023; and September 26, 2023, including the fee waived request. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**5. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE**

Michael F. Curtin Post 8006 VFW Home Association, Inc.  
Date/Time: Saturday, September 9, 2023, 12 p.m. to 8 p.m.  
Event: Pig Roast BBQ  
Location: 18 Meadow St., Florence (Parking Lot)  
Type: All Alcohol

Tom Pease, Commander of the VFW, was present and stated the application is for their seventh or eighth pig roast and chicken bbq. The event is a fundraiser for VFW and Auxiliary. The food is served outside under tents with a separate tent for alcohol. All bartenders are serv-safe certified and tickets will be sold.

**Commissioners Kahn moved to approve the short-term liquor license for Michael F. Curtin Post 8006 VFW Home Association, Inc. for Saturday, September 9, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**6. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE**

Oxbow Water Ski Show Team  
Dates/Times: July 27, 29, 30, 2023, 11 a.m. to 9 p.m.  
Event: Eastern Regional Ski Show Tournament  
Location: Old Springfield Rd., Northampton  
Type: Wine & Malt

The clerk reported these applications are no longer needed because the water levels at the Oxbow forced the Oxbow Water Ski Show Team to cancel its tournament.

**7. APPLICATION FOR A TEMPORARY EXTENSION OF PREMISES INTO PRIVATE PROPERTY**

Masa Mexicano, LLC, 176 Pine St., Florence  
Approx. 17,00 sq. ft. with 9 tables and 32 chairs

The clerk noted that once Masa Mexicano receives its seasonal wine and malt license from ABCC they will want to start providing beer and wine outdoors with no lapse in time.

**Commissioner Kahn moved to approve the temporary extension of premises for Masa Mexicano, LLC as shown on the plan on file with the License Commission to include approximately 1,700 sq. ft. with 9 tables and 32 chairs to include the sidewalk in between limited to transportation of alcoholic beverages only. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**8. APPLICATION FOR A NEW COMMON VICTUALER LICENSE AND AN AUTOMATIC AMUSEMENT DEVICE LICENSE**

Nice Tea, Inc.  
211 Main St.  
Prize Crane Claw Machine

Attorney Don MacDonald and Lin Li were present for this application. Attorney MacDonald stated the kitchen is limited to steamed food because of the hood.

Commissioner Yakovlev asked if the Claw Machine is a coin-operated device and Attorney MacDonald confirmed it is.

**Commissioner Ewers moved to approve the new common victualler license and automatic amusement device license for Nice Tea, Inc. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.**

**9. APPLICATIONS FOR SHORT-TERM LIQUOR LICENSES**

Building 8 Brewing, 320 Riverside Dr.

Type: Wine & Malt

Date/Time: Saturday, July 29, 2023, 12 p.m. to 8 p.m.

Event: Beer Release

Date/Time: Saturday, August 12, 2023, 12 p.m. to 8 p.m.

Event: Beer & Food Event

O'Brian Tomalin was present for these applications and stated he will have umbrellas this time instead of tents. The banquette inside is finished so the event will take place indoors and outside. On August 12th the event will have tacos, Mexican street corn salad, etc.

**Commissioner Kahn moved to approve the applications for short-term liquor licenses for Building 8 Brewing on July 29, 2023, and August 12, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**10. DISCUSSION ABOUT CHANGING THE DAY OF THE WEEK FOR LICENSE COMMISSION MEETINGS**

After a brief discussion about schedules and what day of the week will work best for the Commission, it was decided to move the monthly meeting date to the third Wednesday of every month. This schedule will begin in October.

**11. APPROVAL OF MINUTES**

- June 7, 2023

**Commissioner Kahn moved to approve the June 7, 2023, minutes as written. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**12. NEW BUSINESS**

Commissioner Kahn asked for an update about shows at Bombyx. The last communication the clerk received was when Bombyx said it would adjust its programming hours starting in 2024 with new bookings which is when the clerk responded and said the new hours are effective immediately. The clerk also read the sound check report from John Frey for the record, *"I attended another show at Bombyx on July 12th. Performing was Tab Benoit, a blues guitarist. The show was actually louder than the Samples concert in May. However, the results are still below the legal limit. There were multiple spikes into the 64-68dB range, but overall the LEQ weighted average was 59.3dB. Again, well below the legal limit of 65dB."*

The clerk expressed her intentions for closing the loop on the cordials discussion with Gombo. The clerk emailed Attorney Seewald and asked for clarification on the specs that John Piskor provided because the specs don't specifically say the beverages are cordials but it does illustrate that there is a sugar content higher than 2.5%. While those beverages aren't indicated on the TTB list as a cordial, they do have the required sugar content as defined in MGL Ch. 138.

The clerk read a past email about cordials from Attorney Seewald, *"The beverage must arrive at the licensed premises having been already mixed or redistilled so as to contain no less than 2 ½ percent sugar by weight. Any other alcoholic beverage, including those infused with flavors, that is not over 2 ½ sugar by weight cannot be served under a cordials/liqueur license even if mixed with a cordial or liqueur."* The clerk stated that if it is over 2.5% then it's a cordial even though it might not have a label indicating it as such. The clerk continued reading Attorney Seewald's email, *"Cordials and liqueurs are labeled and taxed as such through the Alcohol and Tobacco Tax and Trade Bureau. Therefore, a cordials/liqueur licensee can sell only products that are labeled as cordial or liqueur. Applying this to the advertisement published by Mr. Brow, it is clear that chipotle-infused tequila, V One Cucumber Vodka, and Barr Hill Gin are not permissible under a cordial/liqueur license."*

Commissioner Yakovlev stated she wants to stick with the decision that the Commission made unless the decision was wrong but she's not convinced it was because there was strong guidance from the City Solicitor and the ABCC.

The clerk will wait for an opinion from Attorney Seewald and then relay that information to John Piskor at Gombo.

Commissioner Yakovlev pointed out that the Dirty Truth is serving Barr Hill Gin which is not a cordial identified as such on the list from the TTB. Part of the problem is distributors going up against what the License Commission is saying except the License Commission is taking its advice from the ABCC.

There was a conversation about the home rule petition seeking additional liquor licenses from the Commonwealth. The clerk stated that there were significant changes made to the special legislation so the city is trying to rectify those. There was also a brief conversation about how the License Commission will grant the licenses once the special act has been passed.

Commissioner Ewers asked whether or not there can be communication between departments to avoid issues similar to Bombyx.

The clerk pointed out that she spoke with the Mayor about this and the Mayor agrees that when the License Commission received a new Entertainment license application that the Building Department and Fire Department both sign off on it.

Commissioner Yakovlev pointed out that there is software coming online that will accomplish this goal but in the meantime if there is a new entertainment venue, Building and Fire have to step in.

### 13. ADJOURN

**Commissioner Yakovlev moved to adjourn the meeting at 5:30 p.m. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.**